

Cigelske, Jr. et al.

S/N: 10/065,571

REMARKS

Claims 1-23 are pending in the present application. In the Office Action mailed January 27, 2005, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Achtner (USP 6,489,591) and further in view of Lentz (USP 4,368,563).

As stated in 35 U.S.C. §103(c), subject matter which qualifies as prior art only under one or more of 35 U.S.C. §§102(e), (f), or (g), cannot preclude patentability under 35 U.S.C. §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. The Achtner reference, USP 6,489,591, issued December 3, 2002. The above captioned application was filed October 31, 2002. As such, the '591 Patent is a 35 U.S.C. §102(e) reference. The '591 Patent is owned by and has been assigned to Illinois Tool Works Inc. as indicated in field (73) on the face of the patent. The present application has been assigned to Illinois Tool Works Inc. as recorded at Reel/Frame number 013306/0001 and is therefore commonly owned. Accordingly, since the '591 Patent is a 35 U.S.C. §102(e) reference and is commonly owned, in accordance with 35 U.S.C. §103(c), the '591 Patent is not valid prior art for rejecting the present claims.

The remaining reference, Lentz, in a wholly unrelated art, discloses a seat belt buckle with a plastic cover and does not teach, suggest, or disclose the present invention. Accordingly, claims 1-23 are clearly patentable over Lentz. Additionally, it is noted that the Examiner's motivation to combine these references is improperly drawn from the present invention, not from either reference. That is, the Examiner states the "advantage of Lentz's locking means eliminates the use of screws or bolts." However, Applicant is not aware of any seat belt ever using screws and/or bolts for fastening. Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Cigelske, Jr. et al.

S/N: 10/065,571

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



Kirk L. Deheck
Registration No. 55,782
Direct Dial 262-376-5170 ext. 16
kld@zpspatents.com

Dated: April 19, 2005
Attorney Docket No.: ITW7510.030
P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170